

Appl. No. «10/660,873 »
Amdt dated July 3, 2005

REMARKS/ARGUMENTS

Claims 1, 33-57 and 61-67 stand allowed. Therefore, the following remarks do not apply to these allowed claims.

Claim 58 was rejected under 35 USC 112, second paragraph for lacking antecedent basis for "the medium". See paragraph 7 on page 3 of the Office Action. Claim 58 has been amended to supply the antecedent basis. Support for Claim 58 is found in, for example, originally-filed Claim 31. Accordingly Applicants respectfully request the Examiner to withdraw the § 112 rejection of Claim 58 and also of dependent Claims 59-60. Claims 58-60 were indicated as being allowable in paragraph 11 on page 5 of the Office Action. Accordingly, Applicant respectfully submits that these claims are now in form for allowance and allowance thereof is respectfully requested.

Claims 68-69, 72-76 and 80-81 were the only claims rejected over the prior art. While Applicant does not agree with the Examiner's remarks in rejecting these claims, these claims have been canceled, in order to allow this application to proceed to issuance.

Claim 82 was rejected under 35 USC 112, first paragraph, but for reciting a limitation that was not disclosed in the originally-filed disclosure. See paragraph 5 on page 2 of the Office Action. This claim has been canceled.

Claims 70, 71, 77, 78, 82, 83 and 84 that depend from the canceled claims have now been re-written in independent form. Claims 70, 77, 83 and 84 are now believed to be allowable, in view of the Examiner's indication of allowability in paragraph 12 on page 5 of the Office Action.

Claim 71 was rejected under 35 USC 112, second paragraph for reciting "a few" in the claim language. See paragraph 7 on page 3 of the Office Action. While Applicant does not agree with the Examiner's remark, this claim has been amended to recite "250 Å" which is supported in the originally-filed specification at page 5, lines 27-28. Accordingly, Applicant respectfully submits that Claim 71 is now in form for allowance and allowance thereof is respectfully requested.

Claim 78 was also rejected under 35 USC 112, second paragraph, but for reciting "about to contain" in the claim language. See paragraph 7 on page 3 of the Office Action. As this language is not required to distinguish over the prior art of record, this claim has

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been amended to eliminate this language. Accordingly, Applicant respectfully submits that Claim 78 is now in form for allowance and allowance thereof is respectfully requested.

New Claims 85-91 are supported throughout the originally-filed specification, including, for example, page 13 at lines 7-10, which states in pertinent part:

Also, a first portion of the storage medium may be used to record data at a lower density than a second portion of the storage medium, with critical information (such as a refresh indicator) being stored in the first portion (so that the critical information never degrades over time).

Accordingly, Applicant respectfully submits that these new claims are fully supported in the specification. As these new claims depend from one of the allowable claims, these new claims are believed to be in form for allowance and allowance thereof is respectfully requested.

For the above reasons, Applicants respectfully request allowance of all pending claims. Should the Examiner have any questions concerning this response, the Examiner is invited to call the undersigned at (408) 982-8203.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office to the fax number 703-872-9306 on July 3, 2005.


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July 3, 2005
Date of Signature

Respectfully submitted,


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